

# NIGER 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Niger is a multiparty republic. On February 21, Mohamed Bazoum won the presidential election with an estimated 56 percent of the vote in the second of two rounds of voting. He assumed office in April in the first peaceful transfer of power in the country's 61-year history, although the office stayed within the ruling party. International and domestic observers found both rounds of the presidential election to be peaceful, free, fair, transparent, and inclusive. In legislative elections conducted in December 2020, in tandem with the first round of presidential elections, the ruling party won 79 of 171 seats, with 127 seats for the ruling coalition, and various opposition parties dividing the rest. International and local observers found the legislative elections to be equally peaceful, free, fair, transparent, and inclusive.

The National Police, under the Ministry of Interior, is responsible for urban law enforcement. The Gendarmerie, under the Ministry of National Defense, has primary responsibility for rural security. The National Guard, also under the Ministry of Interior, is responsible for domestic security and the protection of high-level officials and government buildings. The armed forces, under the Ministry of National Defense, are responsible in some parts of the country for internal security. Every 90 days the National Assembly reviews the state of emergency declaration in effect in the Diffa Region and in parts of the Tahoua and Tillaberi Regions. Civilian authorities generally maintained effective control over security forces, although at times individual soldiers and police acted independently of the command structure. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by or on behalf of government; torture or cruel, inhuman or degrading treatment or punishment by or on behalf of government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious abuses in a conflict, including killing of civilians, enforced disappearances or abductions, physical abuses or

punishment, and unlawful recruitment and use of child soldiers by Boko Haram and ISIS affiliates; serious restrictions on free expression and media, including unjustified arrests or prosecutions of journalists, and the existence of criminal libel laws; lack of investigation of and accountability for gender-based violence including but not limited to domestic or intimate partner violence, and child, early and forced marriage; and existence of the worst forms of child labor.

The government took some steps to investigate officials who committed abuses or engaged in corruption, but impunity remained a significant problem.

Terrorist groups targeted and killed civilians, committed forced disappearances, inflicted cruel, inhuman, or degrading treatment or punishment, and recruited child soldiers. Wary of increasing attacks on its borders as well as spillover from insecurity in Libya, the government participated in campaigns against terrorist groups with the governments of Burkina Faso, Cameroon, Chad, Mali, and Nigeria.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were unconfirmed reports the government or its agents committed arbitrary or unlawful killings. For example, the security forces were accused of executing persons believed to be fighting for extremist groups in both the Diffa and Tillaberi Regions rather than holding them in detention. The governmental National Human Rights Commission (CNDH) receives complaints regarding arbitrary and unlawful killings attributed to security forces. The CNDH had limited ability to investigate those complaints. The Ministries of Justice and Defense also investigate killings by security forces.

The armed forces reportedly killed 26 detainees in the Tillaberi Region early in the year. The Ministry of Justice and military prosecutors began investigations of these killings, as well as continuing the investigation of security force complicity in the deaths of 71 civilians in northern Tillaberi Region in early 2020.

In cross-border operations on April 27, Nigerien armed forces allegedly executed at least 19 civilian men in the Menaka Region of Mali (see section 1.g., Killings).

Armed terrorist groups, including Boko Haram and groups affiliated with al-Qa'ida, ISIS in the Greater Sahara (ISIS-GS), and ISIS-West Africa (ISIS-WA), attacked and killed civilians and security forces (see section 1.g., Killings).

## **b. Disappearance**

In contrast with 2020, there were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; however, there were reports by domestic nongovernmental organizations (NGOs) that security forces beat and abused civilians, especially in the context of the fight against terrorism in the Diffa and Tillaberi Regions. Security forces, including a battalion of Chadian soldiers operating in the country under the G5 Sahel Joint Force, were also accused of rape and sexual abuse, matters the government continued to investigate (see section 1.g., Physical Abuse, Punishment, and Torture).

There were indications that security officials were sometimes involved in abusing or harming detainees, especially members of the Fulani minority or those accused of affiliation with Boko Haram or other extremist groups. There were allegations that security forces and local leaders in the Diffa Region harassed or detained citizens they accused of collusion with Boko Haram, forcing the citizens to pay a ransom to end the harassment.

In September 2020 the CNDH implicated security forces in human rights abuses in the Tillaberi Region in March and April 2020. The Ministry of Justice and military prosecutors continued to investigate these allegations.

According to the *Conduct in UN Field Missions* online portal, as of October there were eight open allegations of sexual exploitation and abuse by the country's

peacekeepers deployed to UN peacekeeping missions, in cases from 2018, 2016, and 2015. The United Nations substantiated the allegations and repatriated the perpetrators in five cases: two from the UN Multidimensional Integrated Stabilization Mission in the Central African Republic, two from the UN Operation in Cote D'Ivoire, and one from the UN Stabilization Mission in Haiti. As of October the government had not explained what actions if any it had taken regarding the five substantiated cases, which allegedly involved transactional sex with one or more adults, an exploitative relationship with an adult, and rape of children. The United Nations found the allegations in one of the eight cases to be unsubstantiated, and in the other two cases, the United Nations had completed the investigations and was awaiting information from the government.

Impunity was a significant problem in the security forces, particularly among the army and police, due to lack of effective oversight of military investigative and prosecutorial processes. The Office of the Inspector General of Security Services is responsible for the investigation of police, national guard, and fire department abuses. The inspector general of the army and gendarmerie is tasked with investigating any abuses related to the gendarmerie and military forces. The armed forces conduct annual human rights training. Additionally, all peacekeeping battalions receive human rights and law of war training prior to deployment.

### **Prison and Detention Center Conditions**

Conditions in the prisons were harsh and life threatening due to food shortages, overcrowding, inadequate sanitary conditions and medical care, and attacks by violent extremist organizations.

**Physical Conditions:** Human rights observers stated overcrowding remained a widespread problem. The government reported in 2019 there were 10,723 prisoners in 41 prisons designed to hold 10,555 persons, perhaps indicating significant underreporting by the government, according to observers. The prisons of Niamey and Diffa were respectively designed to hold 445 and 100 persons, but in 2020 held 1,451 and 432 inmates, respectively. Other observers found several prisons to be 300 percent above capacity. Prisoners continued to sleep outside in the courtyard of Kollo Prison due to lack of space inside the wards.

Prison officials held female inmates in separate quarters, which were less crowded and relatively cleaner than men's quarters. They generally held juveniles separately in special rehabilitation centers or in judicially supervised homes. Terrorist and high-threat offenders were separated from other criminal offenders. The prison system made no provision for special services for detainees with disabilities. Authorities held pretrial detainees with convicted prisoners.

Prison deaths occurred regularly, some from malaria, meningitis, tuberculosis, and COVID-19, but no statistics were available. Heavy rains and flash floods exacerbated a nationwide cholera outbreak suspected of causing a number of prison deaths.

Nutrition, sanitation, potable water, and medical care were poor, although officials allowed inmates to receive supplemental food, medicine, and other items from their families. Basic health care was available, and authorities referred patients with serious illness to public health-care centers. Observers noted judicial inefficiency in assessing conditions; dilapidated prison premises (except at the Tillaberi prison); insufficient prison staff; poor food, health care, and maintenance of facilities; and inadequate postrelease reintegration systems.

The government operated a detention facility in Goudoumaria that holds defectors from violent extremist organizations while they undergo rehabilitation. Families were kept together and separated from single men. Nongovernmental organizations (NGOs) provided the majority of services to the facility, including potable water, food, and medical care. Funding for many of the services lapsed in 2020, resulting in reduced access to basic services. Children in the camp suffered from malaria, and pregnant women lacked adequate access to emergency care.

National Guard troops were assigned rotationally as prison guards for six months at a time but had little or no prison-specific training. The law creates a specialized cadre of prison guards and transfers management of the prisons to the Ministry of Justice, but authorities did little to affect this transition.

**Administration:** Judicial authorities and the CNDH investigated and monitored prison and detention center conditions and followed up on credible allegations of

mistreatment. Prison management generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship.

**Independent Monitoring:** Authorities generally granted the International Committee of the Red Cross (ICRC), the CNDH, and human rights groups access to most prisons and detention centers, including police station jails, and these groups conducted monitoring visits. The government continued its prohibition of monitoring visits to the Kokutoukale prison, ostensibly to halt the spread of COVID-19.

**Improvements:** The ICRC worked with several prisons to reduce malnutrition.

#### **d. Arbitrary Arrest or Detention**

The constitution and law require arrest warrants, prohibit arbitrary arrest and detention, prohibit detention without charge for more than 48 hours, and provide for the right of any person to challenge the lawfulness of his or her detention, with some exceptions.

##### **Arrest Procedures and Treatment of Detainees**

Reports indicated that authorities sometimes held detainees implicated in sensitive cases longer than legally permitted. An investigator can request a waiver for an additional 48 hours before charging an individual. If the prosecutor receives a case from an investigator without a charge made within the initial or additional 48 hours, the case must be dismissed. The law allows individuals accused of terror-related crimes to be detained without charge for 15 days, which can be extended only once, for an additional 15 days. The 15-day detention period begins once suspects reach the Niamey Central Service for the Fight against Terrorism and Transnational Organized Crime (SCLCT/CTO); terror suspects apprehended in the rural Diffa Region at times spent days or weeks in either regional civilian or military custody before transport to Niamey. Authorities must notify those arrested of their right to a lawyer within 24 hours of being transferred to SCLCT/CTO.

Security forces usually informed detainees promptly of the charges against them.

There was a functioning bail system for crimes carrying a sentence of less than 10 years. The constitution calls for the government to provide a lawyer for indigents in civil and criminal cases, although this did not always occur. Widespread ignorance of the law and an insufficient number of lawyers prevented many defendants from exercising their rights to bail and an attorney. Except for detainees suspected of terrorism, authorities did not detain suspects incommunicado.

**Arbitrary Arrest:** Police occasionally conducted warrantless sweeps to detain suspected criminals. Police and other security force members on occasion rounded up persons accused of being members of or supporting terrorist groups, based on circumstantial evidence, subsequently holding them for months or even years.

**Pretrial Detention:** Lengthy pretrial detention continued to be a problem. The law provides for maximum pretrial confinement of 48 months for terrorism offenses where the prison sentence could be 10 years, and 24 months for less serious offenses. While the NGO World Prison Brief, citing 2019 data largely from official sources, reported 56 percent of the prison population were pretrial detainees, local observers believed the vast majority of prisoners were awaiting trial. According to statistics provided by the government, approximately 80 percent of prisoners facing terrorism charges were in pretrial detention, and authorities held many beyond the 24- or 48-month maximum term. Reports indicated judicial inefficiency, limited investigative capacity, and staff shortages contributed to lengthy pretrial detention periods for terrorism offenses. Regarding other offenses, civil society activists and members of opposition political parties appeared to be especially subject to abuse of their due process rights, including prolonging of pretrial detention to allow prosecutors time to assemble evidence. By contrast, some high-profile detainees benefited from extended provisional release.

Defectors from terrorist groups who meet the government's legal criteria for conditional amnesty are supposed to be released after receiving three to six months of deradicalization, rehabilitation, and vocational training. The chief prosecutor is responsible for reviewing defector case files and working with the Ministry of

Interior to make decisions regarding the defectors' eligibility for reintegration. Due to bureaucratic and logistical challenges associated with establishing and implementing this program, defectors and family members remained in the Regional Stabilization Center facility in Diffa for prolonged periods, some up to three years.

### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. The government reassigned some judges to low-profile positions after they asserted independence in handling high-profile cases or rendered decisions unfavorable to the government. There were allegations the government interfered or attempted to interfere in high-profile court cases involving opposition leaders. Judicial corruption, exacerbated by low salaries, inadequate training, and inefficiency, remained a problem. There were reports that family and business ties influenced lower-court decisions in civil matters. Judges granted provisional release pending trial to some high-profile defendants, who were seldom called back for trial and had complete freedom of movement, including departing the country, and could run as candidates in elections. Authorities generally respected court orders.

Traditional mediation did not provide the same legal protections as the formal court system. Traditional chiefs may act as mediators and counselors. They have authority to arbitrate many customary law matters, including marriage, inheritance, land, and community disputes, but not all civil topics. Chiefs received government stipends but had no police or judicial powers.

Customary courts, based largely on Islamic law, try only civil law cases. A legal practitioner with basic legal training, advised by an assessor with knowledge of Islamic traditions, heads these courts. The law does not regulate the judicial actions of chiefs and customary courts, although defendants may appeal a verdict to the formal court system. In contrast with the formal court system, women do not have equal legal status with men in customary courts and traditional mediation, nor do they enjoy the same access to legal redress.

## **Trial Procedures**

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right. Defendants enjoy the presumption of innocence and the right to be informed promptly and in detail of the charges against them. Defendants have the right to be present at their trial. Defendants have the right to counsel, at public expense for minors and indigent defendants charged with crimes carrying a sentence of at least 10 years' imprisonment. Officials provided defendants adequate time and facilities to prepare a defense. The law also provides free interpretation for defendants who do not speak French, the official language, from the moment charged through all appeals. Defendants have the right to confront witnesses and present witnesses and evidence on their own behalf either to the investigative judge or at the trial stage of proceedings. Defendants are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court.

Widespread ignorance of the law prevented many defendants from taking advantage of these rights. Judicial delays due to the limited number of courts and staff shortages were common.

## **Political Prisoners and Detainees**

Three prisoners remained incarcerated without trial after being charged with “fomenting riots” following the February presidential elections. A number of civil society activists remained in detention after their arrests early in the year during postelection protests (see section 2.b, Freedom of Peaceful Assembly). They generally received the same protections as other prisoners.

Saidou Bakari, a member of the leading opposition party, remained jailed since 2016 on corruption charges dating back to 2005, although a gendarmerie investigation found no proof of wrongdoing. According to the chief investigative judge of the Niamey court, the case remained under investigation by the office for financial crimes.

Authorities generally granted the ICRC, the CNDH, and human rights groups

access to political prisoners, and these groups conducted visits during the year.

### **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights abuses. Individuals and organizations may appeal adverse domestic court decisions to regional human rights bodies, such as the Court of Justice of the Economic Community of West African States.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law generally prohibit such actions, but there were exceptions. Police may conduct searches without warrants when they have a strong suspicion a house shelters criminals or stolen property. Under state of emergency provisions in the Diffa, Tahoua, and Tillaberi Regions, authorities may search houses at any time and for any reason. The communications intercept law permits interception of telephone calls and internet connections to facilitate terrorism and organized crime investigations, but the cybercrime act was more commonly invoked by the government (see section 2.a., Violence and Harassment).

### **g. Conflict-related Abuses**

The regional fight against the terrorist groups Boko Haram and ISIS-WA continued in the east, while extremist groups linked to the conflict in Mali terrorized the west of the country. Several groups with links to al-Qa'ida and ISIS were active in the country.

**Killings:** A UN secretary-general report alleged that on April 27, Nigerien armed forces summarily executed at least 19 civilian men during a cross-border operation in the Menaka Region of Mali.

Criminals and extremist groups conducted terrorist attacks throughout the country, primarily in Diffa Region and portions of the Tillaberi Region and southern Tahoua Region. Many killings, especially in Diffa and Tillaberi Regions,

specifically targeted government authorities, including killing or abducting canton chiefs, or private individuals seen as informants for the government. This practice also extended to village chiefs, who were attacked, killed, or subjected to repeated threats in Torodi and other locations near the border with Burkina Faso and particularly Mali. Observers noted these attacks significantly disrupted government efforts to protect communities and led to substantial internal displacements, bringing insecurity into previously safer areas.

**Abductions:** Terrorist groups and criminals kidnapped dozens of citizens and several citizens of western countries. Armed groups in the Diffa Region, including Boko Haram and criminal gangs, abducted civilians. Analysts suggested these kidnappings fueled increasing displacements across the region.

Armed groups in northern Tillaberi Region also abducted several persons, including government officials and civilians. Observers believed the abductions were used to raise funds through ransom, increase recruitment, and exact retribution.

**Physical Abuse, Punishment, and Torture:** In April members of a Chadian battalion deployed in Tera in the Tillaberi Region as part of a G5 Sahel Joint Force operation allegedly raped a girl, age 11, and two women. Chadian military authorities arrested the alleged perpetrators and pledged an inquiry and “necessary sanctions.”

Boko Haram militants and, to a lesser extent, ISIS affiliates targeted noncombatants, including women and children, and used violence, intimidation, theft, and kidnapping to terrorize communities and sustain their ranks.

**Child Soldiers:** Boko Haram recruited and used children in both combatant and noncombatant roles. There were reports of forced marriages to Boko Haram militants.

Authorities continued to provide services at the defectors’ rehabilitation facility in Goudoumaria to alleged child soldiers captured in battle in 2019, with the government focusing on transitioning juveniles back into their communities.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

**Other Conflict-related Abuse:** Boko Haram and ISIS-related violence displaced civilians. Humanitarian organizations in the Diffa Region were sometimes unable to obtain the required security escorts and clearances required to travel outside of the town of Diffa to distribute aid. Humanitarian organizations reported similar problems of escorts and clearances in the Maradi and Zinder Regions. Criminality also appeared to continue with reported cases of extortion, kidnappings, and home invasions.

ISIS-GS and Jama'at Nasr al-Islam wal Muslimin affiliates in northern Tillaberi Region reportedly continued charging local villagers taxes, while extremists in western Tillaberi Region reportedly burned government-funded schools, telling villagers their children should not attend such schools.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media, but the government continued to threaten and harass journalists and other media practitioners, although less often than in 2020, chiefly through use of defamation statutes punishing online behavior.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent media were active and expressed a variety of views with some restrictions.

**Violence and Harassment:** Authorities occasionally arrested journalists and civil society activists linked to alleged factual inaccuracies in reporting on government corruption, including allegations of financial mismanagement in the Ministry of National Defense.

During the postelection protests, authorities arrested members of journalists'

groups critical of the election results.

On September 9, a court in Niamey indicted journalists Moussa Aksar and Samira Sabou under the cybercrime law for defamation and disturbing public order. The journalist had published on the internet an investigative report by the NGO Global Initiative on drug trafficking in the country. A court hearing scheduled for October 4 was continually postponed. Maison de la presse (Press House), a trade association that develops and trains journalists and advocates for press freedom, deplored the accusations as destructive of press freedom and called for the charges to be dropped immediately.

**Censorship or Content Restrictions:** Journalists believed they did not practice self-censorship, but admitted some topics, such as birth control, were taboo. Independent media outlets tended to wait for state-run outlets to report on high-profile security matters, such as a failed coup attempt, before issuing their own reporting. Opposition journalists sometimes encountered pressure from authorities concerning reporting critical of the government. During the presidential campaign, state-owned and -operated media generally did not cover the statements or activities of opposition parties or NGOs critical of the government.

**Libel/Slander Laws:** The government used defamation provisions in the cybercrime law to retaliate against journalists. On March 10, a court sentenced journalist Samira Sabou to two months suspended sentence and a fine for defaming the son of former president Issoufou, for a blogpost alleging the son participated in a major military corruption scandal. Journalist Moussa Aksar was also fined for defamation for reporting on the same incident.

**National Security:** The declaration of the state of emergency in Diffa, Tillaberi, and Tahoua Regions grants the government special authority over media for security reasons. Responding to an increased rate of terrorist attacks, the government continued to extend the state of emergency in these regions on a rolling three-month basis through National Assembly approval.

## **Internet Freedom**

The government occasionally restricted access to the internet and reportedly monitored online content. For example, during postelection violence in February and March, the government shut down some social media platforms for 11 days. Many journalists and civil society activists protested the shutdown as a violation of free speech.

The cybercrime law criminalizes “blackmail,” propagation of “fake news,” “defamatory writings,” “hate speech,” and “libel” on social media. Some critics continued to assert the law aims to silence social media and prevent internet journalists and bloggers from expressing their views, particularly since authorities were also increasing restrictions on the traditional press.

## **Academic Freedom and Cultural Events**

The government did not restrict academic freedom or cultural events.

## **b. Freedoms of Peaceful Assembly and Association**

The government at times restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

Although the constitution and law provide for freedom of assembly, police sometimes forcibly dispersed demonstrators. The government retained authority to prohibit gatherings under tense social conditions or if organizers did not provide 48-hour advance notice. During sometimes violent postelection protests, the government arrested hundreds of peaceful civil society activists who expressed skepticism regarding the election results. Authorities released most of the activists after several days.

### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected this freedom; however, government representatives accused human rights-related NGOs of being “putschist” or intending to overthrow the

government. The law does not permit political parties based on ethnicity, religion, or region.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government respected most of these rights.

**In-country Movement:** Security forces at checkpoints throughout the country monitored the movement of persons and goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices. The government continued its ban on motorcycles in parts of Dosso Region as a security measure against extremist groups active in the region.

### **e. Status and Treatment of Internally Displaced Persons**

The Office of the UN High Commissioner for Refugees (UNHCR) estimated as of August there were 282,000 internally displaced persons (IDPs) nationally.

IDPs resided mainly in out-of-camp settings in the Diffa, Tillaberi, Tahoua, and Maradi Regions. IDPs in the Diffa, Tillaberi, and Tahoua Regions were vulnerable to armed attacks and intimidation; IDPs particularly suffered from armed extremist operating close to the Malian and Burkina Faso borders in the Tillaberi and Tahoua Regions. In Diffa Region, there were 67,000 IDPs and approximately 35,000 returned citizens from Nigeria displaced by Boko Haram and ISIS-WA violence. As of August UNHCR reported almost 158,000 IDPs in the Tillaberi and Tahoua Regions displaced by violence. Insecurity in the Maradi Region also caused a sharp increase in IDPs, rising to 17,000 as of August. Some members of host communities stigmatized IDPs, suspecting them of harboring extremist elements.

Intercommunal conflict between farmers and herders in northern Tillaberi Region, combined with banditry and attacks by terrorist groups, also resulted in population displacement.

The government worked with foreign donors and the humanitarian community, including international aid organizations and NGOs, to supply displaced populations and host communities with shelter, food, water, and other necessities. The law provides for the protection and assistance of persons fleeing violence, floods, drought, and other disasters, which primarily benefited IDPs.

Following a returns policy announced by President Bazoum in June, the government engaged in efforts to promote the return of IDPs in the Diffa and Tillaberi Regions, but some in the humanitarian community expressed concerns regarding the security situation in these areas and the lack of humanitarian access.

## **f. Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

**Abuse of Migrants and Refugees:** There were reports that immigration and security service members demanded bribes from migrants. Refugees in the Diffa, Tillaberi, and Tahoua Regions were vulnerable to armed attacks. In the Diffa Region, Boko Haram and ISIS-WA continued unlawful recruitment of child soldiers among refugees. These refugees were stigmatized by some in host communities, who believed they might harbor (intentionally or unintentionally) violent extremists.

**Durable Solutions:** Discussions continued under the tripartite agreement between UNHCR, the government, and the Mali government, providing a legal framework for voluntary refugee repatriation when conditions in Mali would be conducive to sustainable returns. The parties considered conditions in parts of northern Mali

were not yet conducive to large-scale returns in safety and dignity, and return was not promoted. The government allowed UNHCR and the International Organization for Migration to operate an Emergency Transit Mechanism, a repatriation program assisting migrants from North Africa to return to their countries of origin.

**Temporary Protection:** The government provided temporary protection to an unknown number of individuals who may not qualify as refugees under the 1951 Refugee Convention or its 1967 Protocol.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

**Recent Elections:** International and domestic observers found the first round of the presidential election in December 2020 to be peaceful, free, fair, transparent, and inclusive. Nearly 70 percent of registered voters participated. Mohamed Bazoum of the ruling Nigerien Party for Democracy and Socialism finished first with 39.3 percent of the vote. Opposition candidate Mahamane Ousman of the Democratic and Republic Renewal party finished second with 16.9 percent. A second round between the two candidates occurred February 21, and Bazoum won with approximately 56 percent of the vote. Observers considered the second round of voting to be equally peaceful, free, fair, transparent, and inclusive. In legislative elections conducted in tandem with the first round of the presidential election, the ruling party won 79 of 171 seats, the ruling coalition won 127 seats, and various opposition parties divided the rest. International and local observers found the legislative elections to be equally peaceful, free, fair, transparent, and inclusive.

**Political Parties and Political Participation:** The government intermittently interfered with opposition political party activities and limited opposition access to state media, despite Superior Communications Council decisions offering free and

equitable access to all parties. Irregularities in the political campaign included a lack of campaign finance regulations, greatly benefiting the better-resourced ruling coalition, and the ruling coalition's unequal and illegal use of public funds.

In November 2020 the Constitutional Court declared opposition leader Hama Amadou ineligible to run for the presidency. Authorities also disqualified other candidates due to ineligibilities in their applications. Critics alleged the ineligibilities were unfounded and politically motivated to prevent opposition candidates from challenging the ruling coalition.

The law centralizes authority for organizing elections in a permanent independent national election commission but defines its voting board in a way that leaves it dominated by the ruling coalition. The law requires the election commission to create biometric voter lists. Opposition parties and civil society groups alleged voter registration requirements were unevenly applied in different regions, particularly in view of ruling party control of the enrollment workshop process. Biometric voter registration was not available for citizens living outside the country due to COVID-19 and other obstacles, and they were unable to participate in the elections. Consequently, legislative elections for the diaspora were still pending as of October.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women and members of minorities in the political process, and they participated. The law mandates women fill at least 30 percent of senior government positions and at least 25 percent of elected seats. Women held 28 of 171 National Assembly seats (16 percent). Cultural factors limited women's political participation. Women faced challenges including lack of access to relevant information such as eligibility criteria, limited knowledge of election campaign management, and lack of support when fundraising.

Certain ethnic groups had representation at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," including ethnic minorities and pastoral populations.

## **Section 4. Corruption and Lack of Transparency in**

## **Government**

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were several reports of government corruption.

**Corruption:** Civil servants often demanded bribes to provide public services. A poorly trained civil service and weak administrative controls compounded corruption. Other contributing factors included poverty, low salaries, politicization of the public service, traditional kinship and ethnic allegiances, a culture of impunity, and the lack of civic education. Data from a World Justice Project survey published in March 2020 showed that citizens viewed executive and legislative officials as using public office for private gain.

The government anticorruption agency, the High Authority for the Fight against Corruption and Related Offenses (HALCIA) actively investigated official corruption and made several official reports, some of which led to legal action by the government, including arrests and prosecutions. HALCIA also stopped several public procurement tenders due to concerns of improprieties. Presidential control of HALCIA's budget, however, limited HALCIA's independence and ability to investigate allegations.

Government prosecutors continued investigations into \$137 million lost due to corruption in military procurement contracts from 2017 to 2019, revealed through media investigations in March 2020.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their

views.

**Government Human Rights Bodies:** The National Human Rights Commission is responsible for investigating and monitoring a wide variety of human rights topics, including prison and detention center conditions and allegations of torture. The Office of the Mediator of the Republic served as the government ombudsman, including on some human rights topics. The National Human Rights Commission and the mediator operated without direct government interference, although they often failed to carry out their work effectively.

The National Commission for the Coordination of the Fight against Trafficking in Persons, which serves as the coordinating body for the National Agency for the Fight against Trafficking in Persons and the Illegal Transport of Migrants, is effective and independent.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape; it does not specify the gender of victims. The law was rarely enforced. Rape is punishable by 10 to 30 years in prison, depending on the circumstances and age of the survivor. If there is a familial relationship between the perpetrator and the survivor, aggravating circumstances apply to the sentencing. Rape was a widespread problem, and stigmatization of survivors continued. The law does not explicitly recognize spousal rape, and authorities seldom prosecuted it. Cultural views discounted spousal rape. The law does not explicitly prohibit domestic violence, and violence against women was reportedly widespread. Husbands commonly beat their wives.

A woman may sue her husband or lodge criminal charges for battery, penalties for which range from two months in prison and a token fine to 30 years' imprisonment. The government tried with limited success to enforce this law, and courts prosecuted cases of domestic violence when they received complaints.

Survivors often sought to deal with rape within the family or were pressured to do

so, and many survivors did not report spousal rape due to fear of retribution, including loss of economic support. Charges stemming from family disputes often were dropped in favor of traditional dispute-resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of the law and fear of spousal or familial repudiation, further violence, or stigmatization.

**Female Genital Mutilation/Cutting (FGM)/C):** The law prohibits FGM/C. The government did not enforce the law effectively. FGM/C estimates from a 2012 *Demographic and Health Survey* and UNICEF's *Multiple Indicator Cluster Surveys*, combined with data from the 2017 UN *World Population Prospects*, estimated the prevalence of the practice to be 8.5 percent among girls and women.

**Sexual Harassment:** Sexual harassment is a crime punishable by prison sentences of three to six months and fines. If the violator is in a position of authority over the survivor, the prison sentence is three months to one year and the fine is doubled. The government did not effectively enforce the law.

Sexual harassment was widespread. Cultural attitudes influenced women's perception of what is harassment and encouraged acceptance. Cases were rarely reported, but when they were, courts enforced applicable laws. In previous years NGO SOS-FEVVF estimated that eight of 10 young female workers in small shops faced sexual harassment, and only two in 10 reported it. Poverty made women especially vulnerable to harassment in the workplace.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Barriers that impeded access to sexual and reproductive health services included limited access to family planning, lack of education in contraceptive methods, and lack of other health services including emergency services (less than 50 percent of the population lived within three miles of public health care facilities).

Due to a shortage of skilled health professionals, unequal distribution of health workers between urban and rural areas, lack of clean water in health centers, and

distance to health centers, many women used traditional midwives during childbirth and were referred to hospitals only when the mother or child suffered health complications. With limited antenatal care visits, women frequently did not understand the potential for complicated labor and so came late to clinics for assisted deliveries. Reports of deaths, serious complications from these clinic deliveries, and the high cost of health services further dissuaded families from using clinics. It was unclear whether the government provided access to sexual and reproductive health services including emergency contraception to sexual violence survivors.

The World Health Organization reported the maternal mortality ratio in 2017 was 509 per 100,000 live births. Major factors influencing maternal mortality included lack of prenatal care, high rates of adolescent pregnancy, diseases during pregnancy, hemorrhage and severe postpartum infections, malnutrition, and lack of access to emergency obstetric care.

The UN Population Fund estimated 18 percent of women between the ages of 15 and 49 used a modern method of contraception.

According to the 2012 *Demographic and Health Survey*, 30 percent of births took place in health centers, and skilled personnel attended 29 percent of births.

**Discrimination:** Although the constitution provides for equal legal status and rights regardless of sex, women do not have the same rights as men under family law, which customary courts usually adjudicate. In customary law, legal rights as head of household typically apply only to men. Customary law does not consider a divorced or widowed woman, even with children, to be a head of household.

Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, water- and wood-gathering, and other work. In the absence of a formal will stating otherwise, a daughter's share of a deceased parent's property is half the size of a son's share.

Women had low access to education and high rates of early marriage. They were underrepresented in school and employment. According to the UN 2019 *Human*

*Development Index Report*, only 4.3 percent of adult women had reached at least a secondary level of education, compared to 8.9 percent of men. Fewer than seven women out of 10 were represented in the labor market, compared to almost 10 out of 10 men. There were legal restrictions to women's employment, including limitations on working in occupations deemed dangerous.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution forbids discrimination based on race, gender, ethnicity, political affiliation, disability, or religion. The government made some efforts to enforce the law but was limited by insufficient oversight of police and security forces and insufficient investigative mechanisms.

Members of the Boudouma minority in the Diffa Region and the Fulani minority in the Tillaberi Region faced governmental and societal discrimination due to a widespread perception that the two groups supported or facilitated terrorist activities. Concerns regarding escalation of anti-Fulani prejudice continued. There were also some unconfirmed reports of security forces targeting Fulani in raids and intentionally avoiding Fulani areas during recruitment efforts.

## **Children**

**Birth Registration:** Children derive citizenship from a citizen parent. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to parental poverty, lack of awareness, and distance from government services. The government's failure to register births at times, although not done on a discriminatory basis, resulted in citizens' reduced access to some services.

**Education:** Although the law provides for education for all children from ages four to 18, compulsory education was not enforced. Many parents kept young girls at home to work, and girls rarely attended school for more than a few years. Access to education for children nationwide was a problem, due to a shortage of teachers, classrooms, and supplies, especially in rural areas. The low quality of public education undermined parents' estimation of the value of sending their

children to school and contributed to low attendance rates. For those that were in school, boys' completion rate for primary school in 2019 was 87.4 percent, while the completion rate for girls was 69.5 percent.

**Child Abuse:** Violence against and abuse of children were common. The law prescribes penalties for child abuse. Authorities made efforts to enforce the law and combat child abuse.

**Child, Early, and Forced Marriage:** The law allows a girl deemed to be “sufficiently mature” to marry at age 15. Some families entered into marriage agreements under which they sent rural girls who were age 12 or even younger to their “husband’s” families to be under the “supervision” of their mothers-in-law. According to UNICEF, 76 percent of girls married by age 18 and 28 percent of girls married by age 15.

The law prohibits *wahaya*, a practice whereby some men were able to buy or to be gifted with a “fifth wife.” These unofficial wives (Islam allows a maximum of four wives) were the daughters of hereditary slaves, often sold at ages seven to 12 (see section 7.b.). They performed manual labor for the household and provided sexual services. This practice was concentrated in a specific region in the center of the country. No statistics on its practice were available. There were no reported prosecutions for this offense since 2019.

The Ministry of Women’s Promotion and Children’s Protection cooperated with women’s associations to sensitize traditional chiefs and religious leaders in rural communities to some of the problems that result from early marriage.

**Sexual Exploitation of Children:** The commercial sexual exploitation of children was a problem. The law criminalizes the use, sale, or offering of a minor for the purpose of commercial sex. The minimum age for consensual sex is 13 for both boys and girls.

The law provides that “exploitation shall include, at minimum, slavery or practices similar to slavery” and adds that the recruitment, transport, transfer, harboring, or receiving of a minor younger than 18 for the purpose of exploitation shall be

considered trafficking in persons.

The law prohibits “indecent” acts against victims younger than 18. It leaves to judges to determine what constitutes an indecent act. The law addresses practices related to pornography.

Girls reportedly were trafficked for commercial sexual exploitation along the main east-west highway, particularly between the cities of Birni n’Konni and Zinder along the border with Nigeria.

**Infanticide or Infanticide of Children with Disabilities:** The law prohibits infanticide, and the government prosecuted offenders. Infanticide regularly occurred, including sometimes children with disabilities, and a sizeable proportion of the female prison population was incarcerated for this crime, which was often committed to hide pregnancies out of wedlock.

**Displaced Children:** Many displaced boys from rural areas were indentured to Islamic schools, where they were forced to beg on the streets of larger cities. Displaced children had access to government services, but services were limited. Unaccompanied migrant children transited the country en route to Libya, Algeria, and Europe. Some unaccompanied migrant children travelled to the Djado gold fields of the country’s northeast to find work in unregulated gold mines.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There was no significant Jewish community, and there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities can access health services, but can rarely access education, public buildings, or transportation on an equal basis with others. The national health system, which normally provides free medical care to children younger than age five, gives lifelong free medical care to persons with disabilities. There were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. The law mandates that new government buildings be accessible to persons with disabilities, but the law was not enforced.

Social stigma regarding disabilities resulted in neglect and even infanticide, according to the Federation for Handicapped Persons. A high percentage of persons with disabilities were forced by their families to spend their lives begging. Authorities sometimes investigated or punished those responsible for violence or abuses against persons with disabilities.

The constitution and law prohibit discrimination against persons with disabilities. The law defined a person with disabilities as one "unable to meet all or part of his needs for a normal life due to a physical, sensory, or mental deficiency." The government made efforts to enforce these provisions. For example, regulations require that 5 percent of civil servants be persons with disabilities; the government in 2017 employed slightly less than 1 percent.

Children with disabilities were legally able to attend school but faced difficulties, including a lack of adapted instruction and materials, a shortage of specialists for working with children with special needs, and a lack of flexibility in the evaluation system. For example, the lack of professional sign language interpreters prevented deaf children from continuing their education beyond high school.

The law does not contain clear provisions regarding voting registration for persons with disabilities.

## **HIV and AIDS Social Stigma**

Although the law provides for protection against discrimination, persons with HIV and AIDS commonly experienced social stigma and discrimination. Working with other organizations, the government continued its strong antidiscrimination campaign.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

There was strong societal stigma against same-sex sexual conduct, but there are no laws criminalizing adult consensual same-sex sexual conduct. The law punishes an “unnatural act” with a person younger than 21 of the same sex.

The law does not prohibit discrimination against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons in such areas as housing, employment, and access to government services. Gay men and lesbians experienced societal discrimination and social resentment. LGBTQI+ associations reportedly conducted their activities secretly, in part because they were not officially registered. There were no reports of violence against individuals based on their sexual orientation or gender identity. There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Observers believed stigma or intimidation impeded individuals from reporting such abuse.

## **Other Societal Violence or Discrimination**

There continued to be serious stigma associated with being the descendant of a slave or former slave. One NGO reported separate schools and facilities must be constructed in rural areas for children of former slaves as social norms prevented their education alongside other children. Former slaves, particularly women, faced social stigma and often relocated to new areas following their release from

bondage.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law provides for freedom of association, but the government had not adopted implementing regulations to enforce the law. While there were no provisions that limit collective bargaining in nonessential services, provisions restrict certain categories of public servants not engaged in the administration of the government from exercising their right to collective bargaining. Children ages 14 to 15 are permitted to work (although there are limits on the hours and type of work) but are not permitted to join unions.

The right to strike excludes police and other security forces. The law restricts the right to strike by public servants in management positions and workers in certain essential services, the scope of which was broader than that envisioned in International Labor Organization conventions. The law defines strategic and essential services that require minimum service during a strike, including telecommunications, health, government media, water supply, electricity distribution, fuel distribution, air traffic control, financial services, public transportation, garbage collection, and government authority services. Legal restrictions usually involve requiring civil servants to report to work during a legally notified strike. There are no prohibitions on strikes in nonessential services. Workers must give employers at least three days' advance notice of intent to strike. The government may call for mandatory arbitration in lieu of a strike.

The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination and provides for penalties but does not require reinstatement for workers dismissed for union activity. There are limitations on the law's applicability to public service employees, however.

Government application of laws in the public and private sectors varied, but the laws were largely enforced. Penalties for violations include imprisonment and fines; these penalties were generally commensurate with those for other laws involving violations of civil rights.

The law applies to the large informal sector, which accounted for most economic activity, but the government did not effectively enforce the law in informal workplaces, particularly in rural areas. The informal sector featured some unions. Informal workers in some urban areas formed trade unions or small cooperatives, such as in permanent local markets selling food and household goods. For example, Marche Katakò, a large informal market in Niamey, had its own union, the Union for Katakò Tradespersons.

Authorities generally respected freedom of association, the right to strike, and the right to collective bargaining, and workers exercised these rights. For example, market vendors held unobstructed local strikes to protest new regulations or higher rents. Unions exercised the right to bargain collectively for wages above the legal minimum and for more favorable working conditions.

## **b. Prohibition of Forced or Compulsory Labor**

The law criminalizes all forms of forced labor, including slavery, practices similar to slavery, and exploitative begging. The government did not effectively enforce these laws, however. The law establishes penalties for forced labor that are commensurate with those for analogous serious crimes, but the penalties were largely unenforced.

The government, particularly the Ministry of Interior and the Ministry of Labor and Civil Service, made efforts to reach out to administrative heads and religious and traditional chiefs to discourage forced labor, especially traditional slavery. In 2020 the High Court reaffirmed the illegality of *wahaya*, the selling of girls as young as age seven into forced marriages, a traditional practice which perpetuated hereditary slavery. Enforcement of the law, however, was ineffective, particularly in rural areas where the practice was prevalent.

Forced labor remained a problem, especially in domestic work and agriculture. A 2016 study conducted by the National Institute of Statistics, in collaboration with the Ministry of Justice, concluded that victims of forced labor were characteristically young (age 17 on average) and predominantly male (62.5 percent), although adult victims were also identified. Poverty, substandard living conditions, and lack of opportunity were reasons that victims remained in jobs under conditions of forced labor.

The Tuareg, Zarma, Fulani, Toubou, and Arab ethnic minorities throughout the country, and particularly in remote northern and western regions and along the border with Nigeria, practiced a traditional form of caste-based servitude or bonded labor. Persons born into a traditionally subordinate caste or descent-based slavery sometimes worked without pay for those above them in the social order. Such persons were forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Estimates of the numbers of persons involved in traditional slavery varied widely, but some estimates placed this number as high as 800,000. In Zarma/Songhai communities, social stigma against descendants of hereditary slaves interfered with their right to marry freely, own property, practice independent farming or other economic activity, or participate in politics.

Forced child labor occurred. Thousands of boys as young as age four and largely from poor rural families were forced to beg on city streets in lieu of payment of fees for religious education. Girls from poor rural families were sometimes forced into domestic servitude (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the use of child labor and the employment of children younger than age 14. The law, however, does not apply to types of employment or work performed by children outside an enterprise, such as self-employment, subsistence agriculture, or in the informal sector. Children ages 12 or 13 may perform

nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector's authorization, as long as such work does not impede their schooling. Light work is defined as including some forms of domestic work, fruit picking and sorting, and other nonindustrial labor. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morals.

The government did not effectively enforce the law, in part due to an insufficient number of child labor inspectors in the Ministry of Labor and Civil Service. Penalties for violations include fines and imprisonment, but these were not commensurate with those for analogous serious crimes. The laws rarely were applied to work performed by children in the nonindustrial and informal sector. The government worked with international partners to provide relevant education to parents as an inducement to keep their children in school.

Child labor was prevalent, with children as young as age five engaged in labor. Most rural children regularly worked with their families from an early age, helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some families kept children out of school to work or beg. Children were also forced into commercial sex and domestic servitude, artisanal mining, and criminality.

There were reports that loosely organized clandestine international networks forced young boys from neighboring countries into manual labor or begging, and young girls to work as domestic servants, usually with some degree of consent or complicity of their families.

Quranic schoolteachers forced their *talibes* (young male pupils) to work as beggars. The practice remained widespread, with a degree of complicity from parents.

Child labor occurred in hereditary slavery and largely unregulated artisanal gold-mining operations as well as in trona (a source of sodium carbonate compounds), salt, and gypsum mines. The artisanal gold mines in Tillaberi and Agadez Regions continued to use many children, particularly adolescent boys and some girls, under

hazardous health and safety conditions. The use of cyanide in these mines further complicated the health hazards. Human rights groups, NGOs, and some government ministries expressed deep concern regarding poisoning, but the practice remained widespread. Children also performed dangerous tasks in cattle herding. Children, especially boys and girls in the Arab, Zarma, Fulani, Tuareg, and Toubou ethnic minorities, continued to be exploited as slaves and endure conditions of bonded labor, particularly in distant western and northern regions and along the border with Nigeria.

Children born into a traditionally subordinate caste or descent-based slavery became the property of their masters and could be passed from one owner to another as gifts or part of a dowry.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution provides for equal access to employment for all citizens. The law prohibits discrimination in employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, sickle cell anemia, HIV-positive status, or other communicable disease. The law prescribes fines for persons engaging in discrimination, requires equal pay for equal work, and requires firms to provide hiring preferences to persons with disabilities under certain circumstances. The law restricts women from working in occupations deemed dangerous to their health, although these restrictions are not clearly defined.

The government did not effectively enforce the law. The government neither adopted regulations to implement the law nor took actions to prevent or prosecute employment discrimination. The government had inadequate staff to investigate reports of violations, and penalties were not commensurate with those for other violations of civil rights.

Discrimination in employment and occupation occurred with respect to gender and disability. Traditional and religious beliefs resulted in employment discrimination against women. The government requires companies to hire a minimum of 5 percent of individuals with disabilities; however, the government did not enforce the law effectively. Workplace access for persons with disabilities remained a problem. The descendants of hereditary slaves also faced discrimination in employment and occupation.

### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal economy. The lowest minimum wage was above the official poverty income level.

The formal economy's legal workweek is 40 hours with a minimum of one 24-hour rest period, although the Ministry of Labor and Civil Service authorized workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. The law provides for paid annual holidays. The law provides special arrangements regarding the mining and oil sectors whereby the Ministry of Labor and Civil Service may grant waivers regarding work hours based on these two sectors' specific nature and make allowances for working larger blocks of time in exchange for increased time off. Workers may work for two weeks beyond normal work hours, in compensation for which they are entitled to two weeks' rest. Employers must provide premium pay for overtime, although the law does not set a specific rate; employees of each enterprise or government agency negotiate with their employer to set the rate. The law calls for a maximum eight hours of overtime per week, but this was not enforced. Penalties for wage and hour violations were not commensurate with those for similar crimes, such as fraud.

The Ministry of Labor and Civil Service inconsistently enforced minimum wages and workweek laws and only in the regulated formal economy. The number of inspectors responsible for enforcing the labor code was not sufficient to enforce compliance and monetary sanctions were not commensurate with those for similar

crimes. Inspectors have the authority to make unannounced inspections but do not have the authority to initiate sanctions.

**Occupational Safety and Health:** The law establishes occupational safety and health standards, which were up to date and appropriate for the main industries. It extends labor inspectors' authority over these standards and provides for sanctions, including a mandatory appearance before labor inspectors for resolving health and safety disputes. By law all workers may remove themselves from situations that endangered health or safety without jeopardy to their employment. Nevertheless, authorities did not effectively protect workers in such situations. The nonunionized subsistence agricultural and small trading sectors, where the law applies but was not enforced, employed approximately 90 percent of the workforce. In the nonunionized informal sector, despite the law, it was unlikely workers could exercise the right to sick leave without jeopardizing their employment. The number of inspectors responsible for enforcing the law was not sufficient to enforce compliance and monetary sanctions were not commensurate with those for similar crimes. Inspectors have the authority to make unannounced inspections but do not have the authority to initiate sanctions.

Violations of provisions governing wages, overtime, and work conditions reportedly occurred in the petroleum and mining sectors, including at artisanal gold mines, oil fields, and oil refineries. Groups of workers in hazardous or exploitive work conditions included mineworkers, which included children, domestic workers, and persons in traditional slavery. In the artisanal gold-mining sector, the use of cyanide posed serious health hazards for workers and surrounding communities. A significant, but unknown, percentage of the mining workforce worked in the informal sector. The vast majority, however, were employed by large, international firms; labor advocates complained these firms were not transparent regarding work conditions.

Union workers in many cases did not receive information concerning the risks posed by their jobs. The government reported the Ministry of Labor and Civil Service responded to reports of work-related accidents and required affected employees be compensated as required by law. The ministry did not release data

on fatal accidents.

**Informal Sector:** Approximately 90 percent of workers were in the informal sector, with subsistence crop agriculture, animal husbandry, small trading, and artisanal trade dominating the labor market. The 10 percent of workers in the formal sector were mainly civil servants, teachers, and employees of state-owned corporations like utilities and industrial mines. Rural workers had no access to government enforcement of wage, hour, OSH laws or inspections.

Although the constitution provides that the social protections of old age pensions, work accident payments, and health care apply to all workers, informal workers cannot meet the administrative requirements and lack mechanisms to pay the voluntary contributions to subscribe. Program regulations do not mention informal workers or specify them to be eligible.